Department of Justice

Facts 2009

Yukon
Justice

Cover Photos:

Left: an elder provides comfort at the Whitehorse Correctional Centre during solstice celebrations.

Centre: correctional officers receive commendation for saving an inmate's life. *Right:* a client completes Community Wellness Court.

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Criminal Justice Process

This is a flow chart for people that enter the criminal justice system in Yukon. The process can take a few hours or years depending on the offence. The Yukon Department of Justice is working closely with its partners - Yukon First Nations and non-government organizations - to provide the opportunities for people to avoid incarceration by entering into alternative community programming through the territory's community justice projects.

The Criminal Justice Process

*Community justice alternatives can begin at any point in the regular criminal justice process, depending on the community and the crime

Criminal Justice Process

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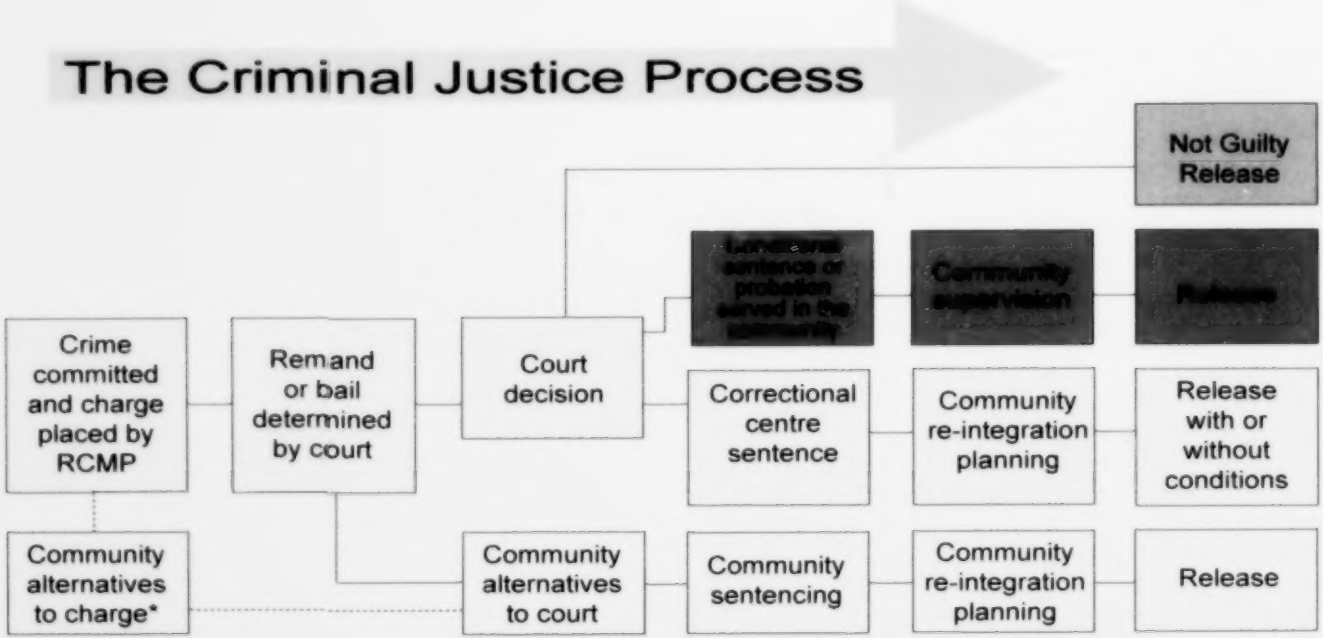


*Community justice alternatives can begin at any point in the regular criminal justice process, depending on the community and the crime.

Foreword

The Yukon Department of Justice is responsible for administering the justice system in Yukon and for the provision of services that contribute to order and safety for individuals, families and communities.

Department of Justice Facts 2008 is designed to provide basic statistical information about the Yukon Department of Justice, which includes Crime Prevention and Policing, Community Justice, Victim Services, Offender Programs Unit, Safer Communities and Neighbourhoods Unit, Community and Correctional Services, Maintenance Enforcement, Court Services, Office of the Public Guardian and Trustee, Worker's Advocate, Coroner's Service and Land Titles.

The Department of Justice is responsible for the administration of adult sentences of less than two years. The Correctional Service of Canada is responsible for sentences of two years or more. Youth Justice is the responsibility of the Yukon Department of Health and Social Services. Therefore, statistics on federal sentences and on juvenile corrections are not included in this document.

Most of the information covers the period between January 1 and December 31, 2007. Wherever possible, more recent data are provided.

All statistics are based on data from the Yukon Department of Justice and the Canadian Centre for Justice Statistics.

Community Justice and Public Safety

Community Justice and Public Safety consists of several units including Community Justice, Crime Prevention and Policing, Community and Correctional Services, Coroner's Services, Victim Services and the Offender Programs Unit.

Mission

The mission of Community Justice and Public Safety is to contribute to public safety by working collaboratively with First Nations, other government departments and non-government organizations to:

- offer support to victims and families.
- hold offenders accountable while encouraging healing and successful re-integration into their community.
- build capacity in communities to prevent crime and foster healthy and safe communities.

Vision

The vision of Community Justice and Public Safety is to contribute to community safety by offering opportunities for healing and hope for change.

Note: This booklet is for information only. For any legal interpretation of the law please consult with legal counsel.

Definition of Crime Categories

In this publication, crimes are grouped as follows:

•Violent Crime: abduction, aggravated assault, assault causing bodily harm, assault of a police officer, assault with a weapon, assaults general, kidnapping, murder, robbery with violence, sexual abuse, sexual assault and uttering threats.

•Other Criminal Code offences include: Criminal Code traffic, dangerous use of firearms, disturbing the peace, driving while disqualified, escapes, failure to appear, harassment, moral – sexual, obstruction, other Criminal Code, other weapons offences, pointing a firearm, possession of a dangerous weapon, resisting arrest and unlawfully at large.

•A breach is the failure to meet the conditions set out in a probation order or a conditional sentence.

•Property crimes include: arson, break and enter, break, enter and theft, break and enter with intent, false pretences, forgery and uttering, fraud, mischief, possession of stolen property, robbery, taking a motor vehicle without consent, theft over $5000, theft under $1000, unlawfully in a dwelling house, and willful damage of property.

•Drug offences include: possession of narcotics for the purposes of trafficking, possession of narcotics, trafficking narcotics and other drug offences.

•Impaired driving offences include: impaired driving, refusal of a breathalyzer and having an alcohol level of over .08. Other offences include charges laid under territorial, federal, or municipal laws other than the Criminal Code of Canada.

Most Serious Offence (MSO)

This measure is based on the Uniform Crime Reporting Survey, which classifies incidents. If an offender is sentenced with more than one offence, the most serious offence rule determines which of these offences is the most serious based on penalties in the Criminal Code of Canada. The MSO is used for statistical reporting purposes.

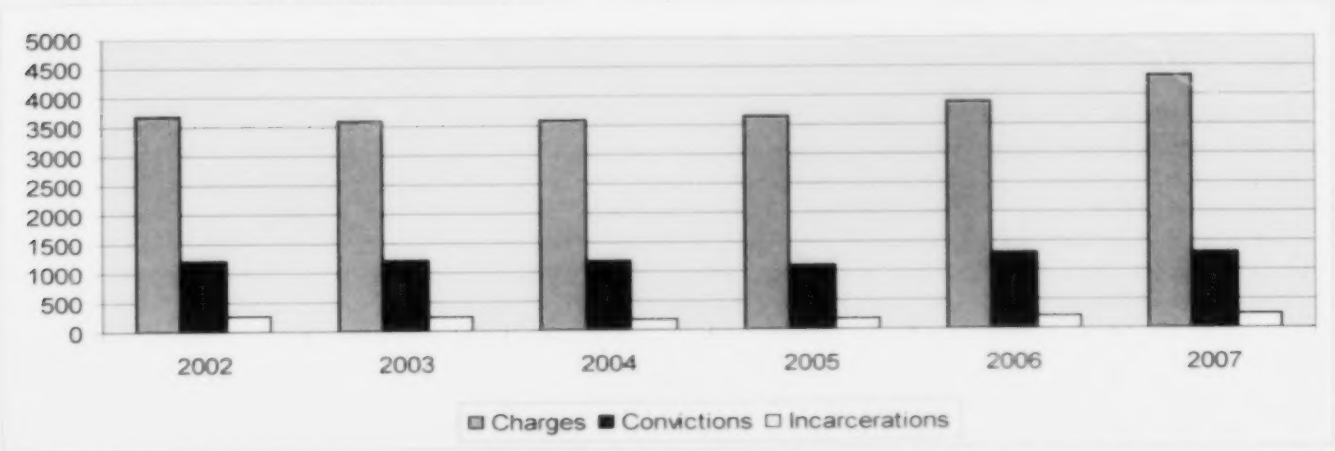
Community and Correctional Services

Community and Correctional Services provides programs and services for victims and offenders. Its primary goal is the safe integration of offenders into communities as law-abiding citizens.

The justice system emphasizes community supervision of offenders over incarceration in the Whitehorse Correctional Centre (WCC). Loss of liberty through incarceration is a last resort in protecting the public. Of the total number of charges laid, only a small fraction result in incarceration at WCC or in another correctional facility. Most sentences consist of fines or community-based sentences such as probation orders or conditional sentences.

Chart 1 shows the difference between the number of federal and territorial charges laid between 2002 and 2007, how many of those charges resulted in a conviction, and how many of those convictions resulted in incarceration at WCC or in a federal penitentiary outside of Yukon. In 2007, for example, 4323 charges were laid resulting in 1287 convictions and 223 sentences of incarceration.

Chart 1. Yukon Corrections, 2002-2007.[1]



[1]These numbers reflect the number of charges laid, not the number of individuals charged. An individual may have multiple charges. These numbers do not include summary conviction tickets, which are generally given for incidences such as traffic violations.

Many adults in Yukon who are convicted of an offence have been convicted before. Between 2002 and 2007, there were 4650 individuals convicted of an offence (excluding those who were issued a summary conviction ticket for offences such as traffic violations).[2] During that same time period, 71% of these individuals had more than one conviction.

Table 1.
Number of convictions, 2002-2007.

Number of cases	First conviction	Multiple convictions
4650	29%	71%

Community Supervision

The majority of adults convicted of a crime in Yukon carry out their sentence within the community. This is called community supervision and it consists mainly of bail supervision, conditional sentences and probation orders.

Table 2.
Community Supervision by Type, 2007.

	Number of orders	Percentage
Bail Supervision	2056	45.8
Conditional Sentences	567	12.6
Probation	1824	40.6
Other	46	1
Total	4493	100

Bail Supervision

Bail Supervision provides an alternative to remanding an accused person in custody pending trial or sentencing. If an individual has not yet been tried, he or she is still classified as being under community supervision while on bail. If bail release is recommended, appropriate conditions are suggested for the court's approval.

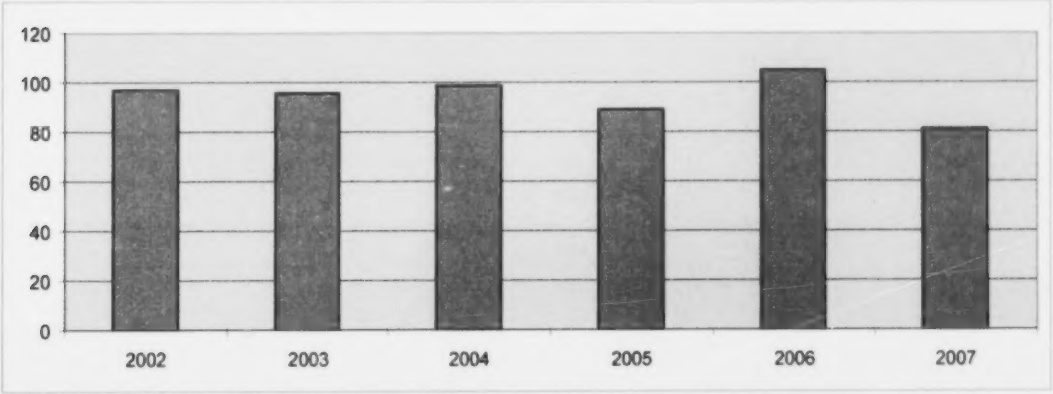
Bail supervision accounted for 57% of all court-ordered community supervision in 2007. This is a large increase from 2002, when 31% of community supervision entailed bail supervision.

[2] An individual convicted on multiple charges on the same file is counted once.

Conditional Sentence

A conditional sentence is a sentence that is served in the community rather than in custody at the Whitehorse Correctional Centre. Conditional sentences normally include conditions such as house arrest and strict curfews and may have other conditions attached to them. Non-compliance with the conditions results in the sentence being served in jail. A conditional sentence may be applied to any offence that is not punishable by a minimum term of incarceration. The court must be satisfied that serving the sentence in the community will not endanger public safety. The maximum length of a conditional sentence is two years less a day.

Chart 2. Conditional Sentence Admissions, 2002-2007



In 2007, there were 81 new conditional sentences being served in Yukon. This was a decrease of 24 new sentences from the previous year.

On average, in 2007, the number of conditional sentence orders on a given day was 46.

The majority of persons serving a conditional sentence in 2007 were male (84%) and of First Nations identity (60%). The age range was somewhat evenly dispersed. Thirty people were aged 18-29, 30 were aged 30-39, 29 were aged 40-49 and 11 were over 50.

Most conditional sentences in 2007 were served for violent crimes (46%). Violent crimes include assault, assault causing bodily harm, and sexual assault[3]. The second largest category was breach of sentence (12%).

The average length of a conditional sentence served in 2007 was 137 days. The range was between 1 and 731 days.

[3]A list of crimes included in each crime category can be found on page 4 of this document.

Table 3 presents a profile of offenders who were serving a conditional sentence, probation order, and/or incarcerated at the WCC in 2007.

The numbers represent new admissions, not individuals. An offender may be counted more than once if he or she was, for example, in custody and on probation in the same year, or, if he or she served two probation orders in one year.

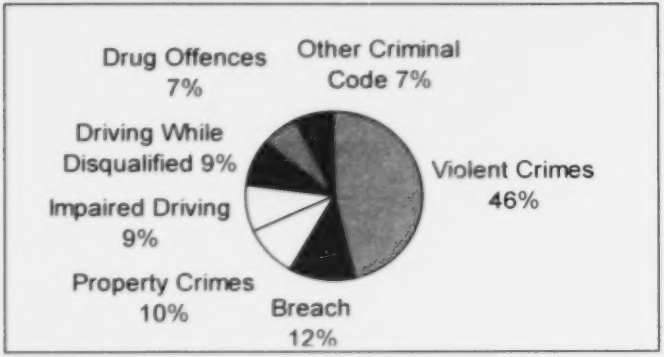
First Nations people make up the majority of offenders serving a sentence in the justice system. Seventy-seven percent of inmates at WCC are First Nation[4]. Eighty-eight percent of First Nation offenders at WCC are male. Forty percent of offenders serving conditional sentences are non-First Nations.

Table 3. Profile of Offenders Serving Conditional Sentences, Probation Orders, Remanded or Sentenced to WCC, 2007. [5]

	Conditional Sentence		Probation		WCC[6]	
	Number	%	Number	%	Number	%
Age (years)						
18-19	1	1	8	3	21	3
20-29	24	30	96	38	249	39
30-39	24	30	70	28	197	31
40-49	23	28	60	24	137	22
50+	9	11	16	6	28	4
Sex						
Male	68	84	197	79	555	88
Female	13	16	53	21	77	12
Identity						
First Nations	49	60	168	67	489	77
Non-First Nations	32	40	82	33	143	23
Total new admissions/orders	81	100	250	100	632	100

[4]First Nation identity is self-identified by the individual.
[5]Percentages may not equal 100 due to rounding off.
[6]These numbers do not include federal inmates. In 2007, federal inmates accounted for two percent of the WCC population, or 13 inmates, on a short-term basis.

Chart 3.
Most Serious Offence - Conditional Sentence, 2007.



Adult Probation

Probation is primarily intended to be a rehabilitative sentencing tool. The offender is authorized to stay in the community subject to strict conditions that are set out in a probation order.

In 2007, there were a total of 250 new probation orders being served in Yukon. This is a decrease of 60 orders from 2006.

An individual may be under multiple probation orders at the same time. In 2007, the maximum number of probation orders being supervised on a given day was 289.

The average length of a probation order is 314 days, which is down from 359 days in 2006. The shortest probation sentence served was 10 days and the longest was 1098 days.

In 2007, 78% of individuals on a probation order were male and 67% were self-identified First Nation. Thirty-eight percent of the individuals were between the ages of 20 and 29 and 28% were between the ages of 30 and 39. Another 24% were between the ages of 40 and 49. Table 3 on page 8 gives a more complete profile of the adult probation population.

In 2007, 45% of all probation orders were served for violent crimes. The next largest category was property crimes, at 20%.

Chart 4.
Adult Probation Orders, 2002-2007.

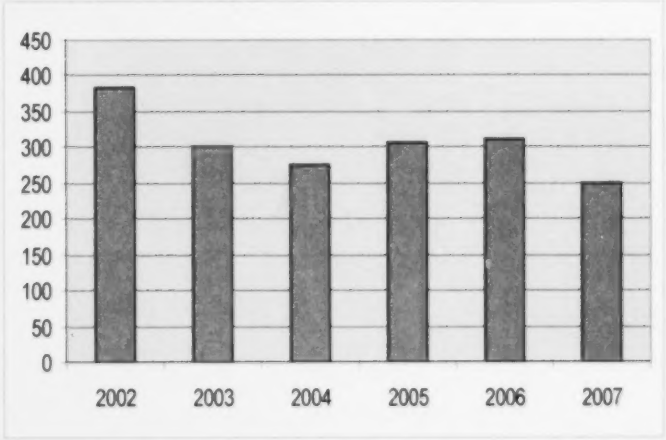
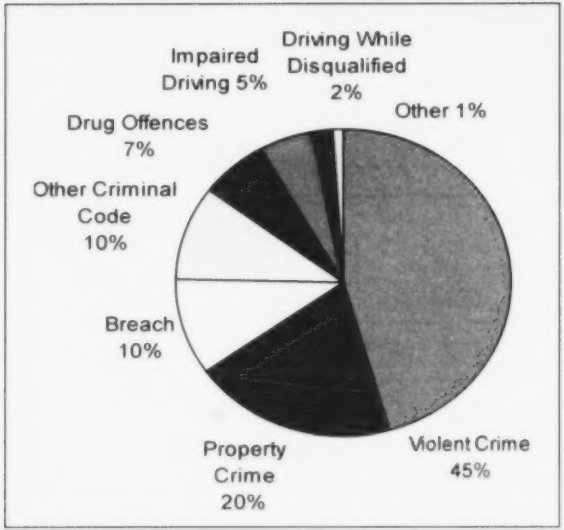


Chart 5.
Most Serious Offence - Probation, 2007.



Whitehorse Correctional Centre

The Whitehorse Correctional Centre (WCC) is a multi-level security correctional facility for adult men and women. It accommodates inmates serving sentences of less than two years and individuals who are on remand awaiting trial or sentencing. In addition, individuals may be held at WCC under other legislation such as immigration holds under the *Immigration Act*.

In 2007, there were 632 admissions to WCC. One person can be admitted several times in a year. On average, there were 66 inmates in custody at WCC on any given day.

Well over half of the admissions (67%) in 2007 were individuals who were on remand waiting trial or sentencing. Thirteen federal offenders were admitted to WCC on a short-term basis. This category was not included in the total of 632 admissions.

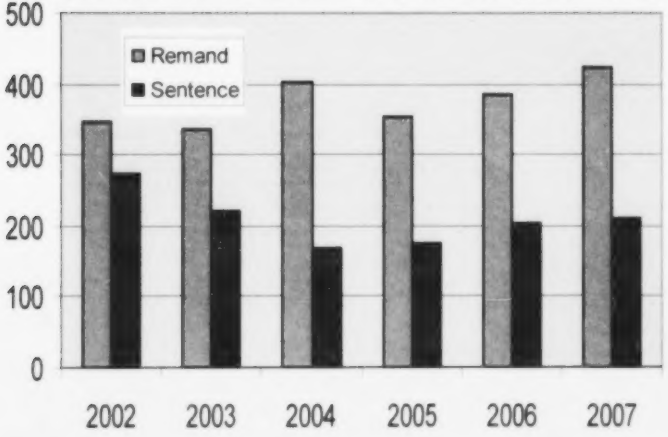
Most of the inmates at WCC in 2007 were male (88%) and of aboriginal identity (77%).

Remand Admissions

Chart 6 shows that in 2002 the remand population accounted for 55% of the total admissions to WCC. By 2007, remand accounted for 67% of admissions.

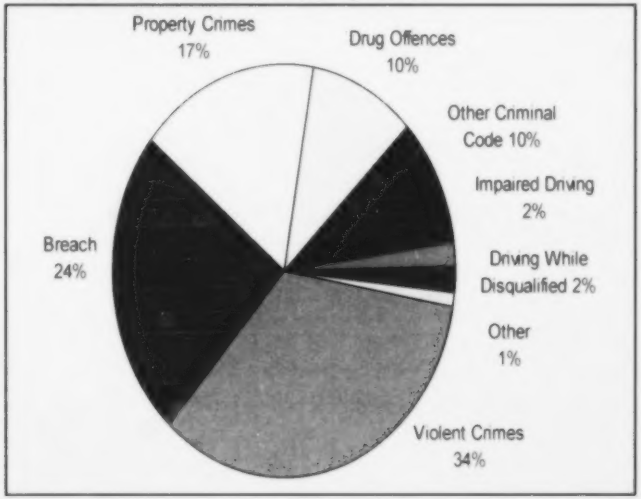
In 2007, the average custody sentence was 70 days. The length of sentences ranged from 3 days to 458 days. The average remand stay was 34 days with the range being 1 day to 269 days.

Chart 6.
WCC Sentence and Remand Admissions, 2002-2007.



Approximately one-third of inmates at WCC were serving a sentence for violent crimes (34%). The next largest categories were Breach of a Probation Order or a Conditional Sentence (24%), and Property Crimes (17%).

Chart 7.
Most Serious Offence - WCC, 2007.



Female Population

The average count of female inmates at WCC has increased slightly over the past five years from nine percent in 2002 (63 inmates) to 11% in 2007 (77 inmates). On average, seven females are at WCC daily. The maximum count was 14 in March and the minimum count was three in January. The majority of female inmates are of First Nations identity. In 2007, 62 of the 77 female admissions to WCC were First Nations. More female inmates (39%) were between the ages of 20 and 29 than in any other age group.

For a more complete profile of the WCC population see Table 3 on page 8.

Repeat Offenders

An inmate may have multiple admissions to WCC in his or her lifetime.

Between 2002 and 2007, there were 686 different people sentenced to WCC. Approximately forty-six percent of the offenders served multiple sentences at WCC during this time. Twenty-six percent of the offenders were admitted to WCC three or more times.

Table 4.
WCC Number of Repeat offenders, 2002-07.

Number of Sentences	# of Offenders	Percentage
1	364	53
2	144	21
3 to 9	164	24
10 or more	14	2
Total	686	100

Offenders' Communities

Offenders who are in custody at WCC, or who are serving a conditional sentence or probation order in a community, come from all Yukon communities. A small number of people convicted in Yukon come from outside of the territory.

Table 5 indicates the communities where offenders resided in 2007. The numbers represent new admissions, not individuals. An offender may be counted more than once if, for example, he or she was in custody and on probation in the same year, or, if he or she served two probation orders in one year.

Table 5.
Offender Community by Sentence Type, 2007.

	Number of Admissions		
Community	**Conditional Sentence**	**Probation Order**	**WCC**
Atlin, BC	0	0	1
Beaver Creek	0	0	0
Burwash Landing	0	0	0
Carcross	2	7	23
Carmacks	3	6	34
Dawson City	6	12	8
Faro	0	0	3
Haines Junction	1	4	7
Mayo	1	5	9
Old Crow	3	9	22
Pelly Crossing	2	7	26
Ross River	5	6	12
Teslin	3	3	12
Whitehorse	44	140	369
Watson Lake	5	31	68
Other	1	5	15
Unknown	5	15	23
Total	81	250	632

Coroner's Office

The Coroner's Service is an independent government unit. The chief coroner investigates unexpected or unexplained deaths. Based on the results of a coroner's inquest and judgments of inquiry, the coroner or a jury at inquest recommends ways to prevent loss of life in similar circumstances.

In 2007, the chief coroner investigated 45 deaths; 12 deaths involved alcohol or drugs. The annual average is 55 investigations into deaths.

Policing Services

The Government of Yukon contracts with the RCMP for the provision of police services across the territory. The RCMP has a total of 102 members located in detachments in Whitehorse, Beaver Creek, Haines Junction, Old Crow, Dawson City, Mayo, Pelly Crossing, Carmacks, Faro, Ross River, Watson Lake, Carcross and Teslin. There are also federal RCMP members located in Yukon who work on federal enforcement and integrated border enforcement issues.

Street Crime Reduction Team

This RCMP team is dedicated to street-level drug and alcohol related crime enforcement and prevention. It consists of six police officers, a criminal analyst and a communications strategist.

The Street Crime Reduction Team is working to provide a more rapid response time to calls for service and to increase the number of drug-related arrests made.

The team is also working to decrease the incidence of street-level crime and to increase the visibility of the RCMP in the community.

As of September 30, 2008, the team has:

- made 102 Criminal Code arrests.
- executed 58 warrants.
- undertaken 128 curfew checks on prolific and priority offenders.
- taken 93 intoxicated persons into custody.
- laid 16 charges under the *Controlled Drug and Substances Act*.

Yukon Crime Rates

The Canadian Centre for Justice Statistics (CCJS), in co-operation with the policing community, collects police-reported crime statistics through the Uniform Crime Reporting Survey (UCR). The UCR was designed to measure the incidence of crime in Canadian society and its characteristics.

UCR data reflect reported crime that has been substantiated by police. Information collected by the survey includes the number of criminal incidents, the clearance status of those incidents and persons-charged information. The UCR produces a continuous historical record of crime and traffic statistics reported by every police agency in Canada since 1962.[7]

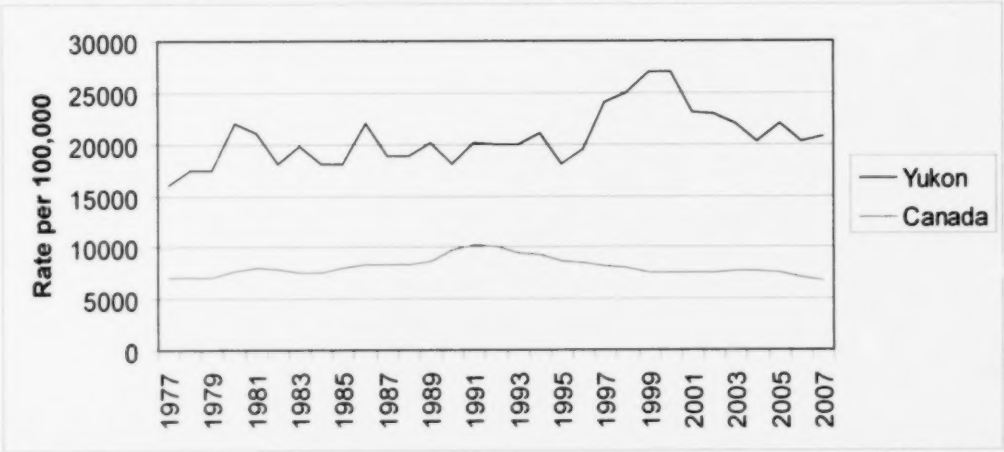
The Yukon's total crime rate for 2007 is up three percent over 2006 after three straight years of decline.

Yukon continued to have the lowest crime rate among the three territories, although the gap between Yukon and Nunavut narrowed in 2007. Generally, crime rates in the three territories are higher than those in the provinces.

The violent crime rate (including offences such as homicide, assault, sexual assault and robbery) in Yukon declined by three percent in 2007. This was the fourth consecutive drop following the upward trend seen over the previous 20 years.

The number of drug offences has increased by 45%, driven by a doubling in non-cannabis related drug crimes and a 20% increase in cannabis-related offences.

Chart 10: Total Crime Rate, Yukon and Canada, 1977-2007.



[7] Canadian Centre for Justice Statistics website, 2007.

Yukon reported a 49% jump in impaired driving offences in 2007. The rate of impaired operation in the territory was similar to what it was 10 years ago. Yukon held the second highest rate among the territories.

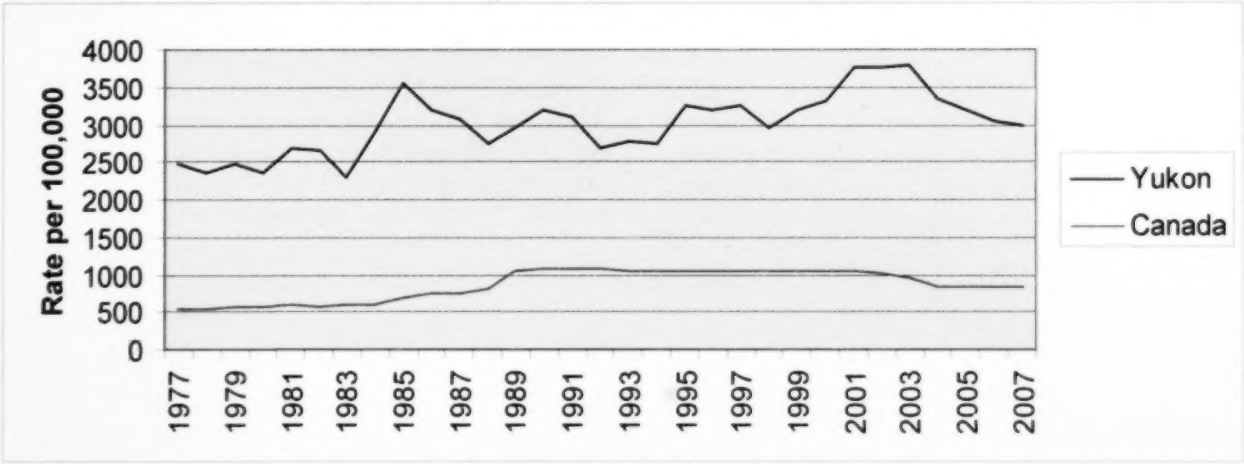
Flowing from the Yukon Substance Abuse Action Plan, initiatives such as the Safer Communities and Neighbourhoods Act, Street Crime Reduction Team and crime prevention programs increase the recorded crime rate because more people are charged with a criminal offence.

The Department of Justice will continue to work with its partners in crime reduction, in the communities and with other levels of government to make Yukon communities safe and healthy places to live.

Yukon Violent Crime Rate

The violent crime rate declined by six percent for the second consecutive year. Yukon has the lowest violent crime rate amongst the territories in most categories except robbery where it has the highest rate. Robbery rates in the territories were all below the national average.

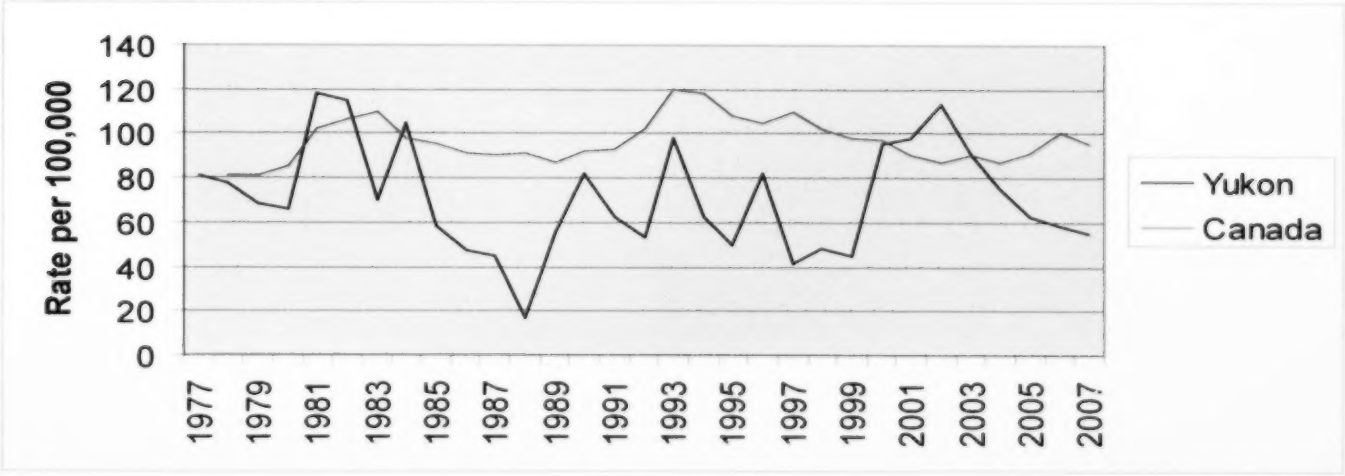
Chart 11: Violent Crime Rate, Yukon and Canada, 1977-2007.



Yukon Robbery Rate

The robbery rate continues to drop dramatically. The rate in 2003 was 113 per 100,000 people and in 2007, down to 55 robberies per 100,000. The highest rate in Yukon was 118 in 1981 and in Canada 120 per 100,000 in 1993. Yukon's rate is well below the national rate after climbing above it in 2002.

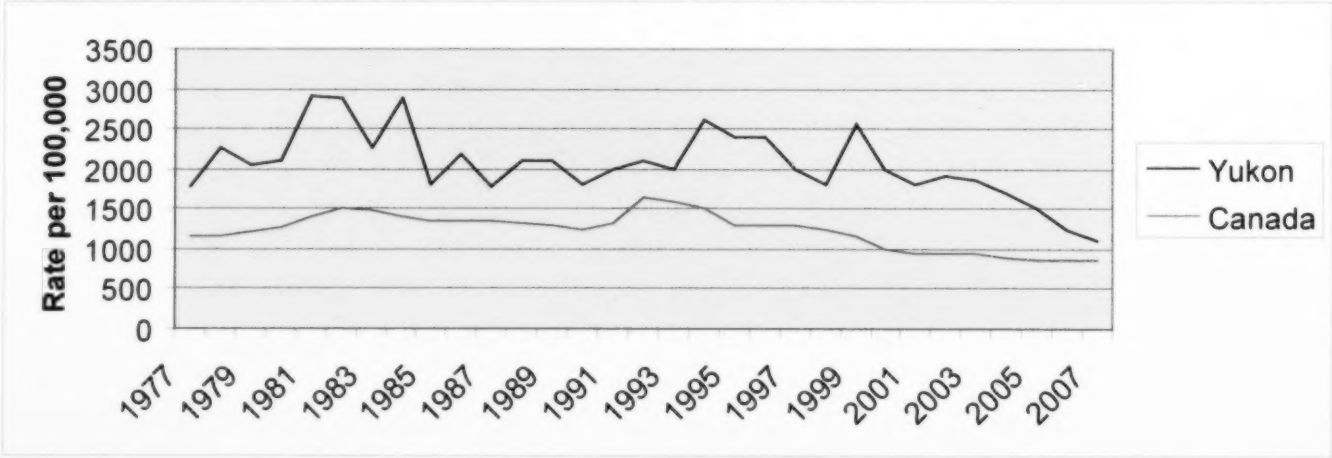
Chart 12. Robbery Rate, 1977-2007.



Yukon Property Crime Rate

The Yukon property crime rate was lower than in both the Northwest Territories and British Columbia. Rates for break-ins and motor vehicle theft were the lowest among the territories and at their lowest point in over 30 years.

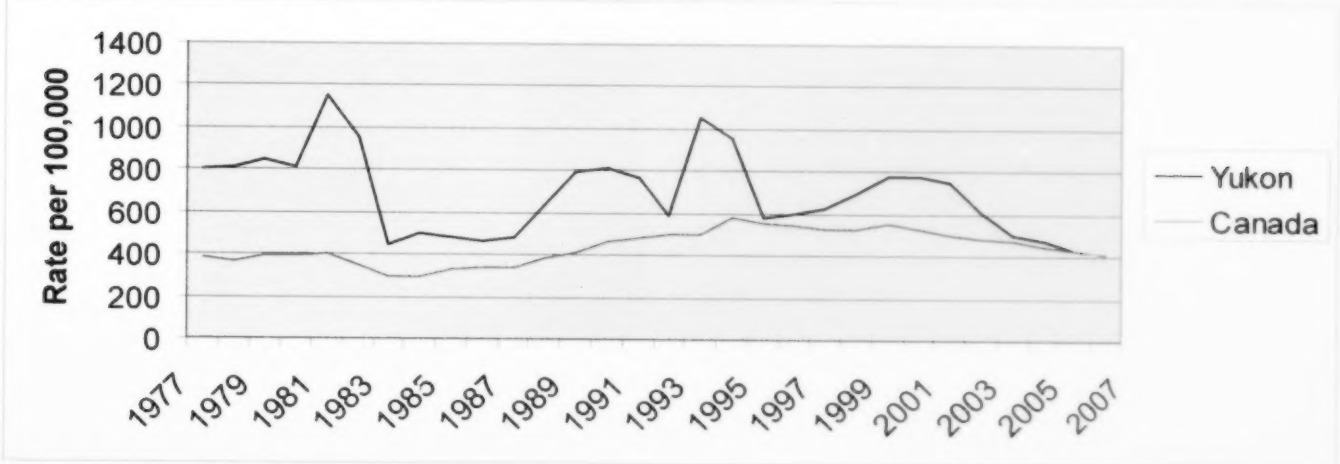
Chart 13: Break and Entering, Yukon and Canada, 1977-2007



Motor Vehicle Theft Rates

Motor vehicle theft in Yukon now stands equal to the national average. Motor vehicle theft in Yukon peaked in 1981 with 1150 vehicles stolen per 100,000. In 2007, the rate was 410.

Chart 14: Motor Vehicle Theft, Yukon and Canada, 1977-2007.



Community Justice

Community Justice projects are developed, implemented and run by the community. These projects typically focus on creating healthy communities by repairing the harm that has resulted from crime and facilitating the healing process of the offenders, the victims, and the community as a whole.

In 2008, there are nine community justice projects in eight Yukon communities. Community Justice Committees and other related community-based justice initiatives are important components in supporting communities to develop local, culturally-relevant solutions that may be more effective at resolving conflict in ways that promote healing, reconciliation and respect.

The Department of Justice has worked in partnership with the Government of Canada through the Aboriginal Justice Strategy to fund community justice projects in Yukon. In 2008-2009, the Government of Yukon will provide just over $433,000 of in-kind and financial support. With the funding from the Aboriginal Justice Strategy, it is estimated that $974,800 will go towards supporting the community justice projects.

There are a variety of partners to community justice in Yukon, including, but not limited to, Yukon First Nations, RCMP, Federal Crown, Youth Justice, Department of Health & Social Services, Yukon Department of Justice and Department of Justice, Canada.

Crime Prevention & Victim Services Trust Fund

The Crime Prevention and Victim Services Trust Fund was created to fund projects that provide services and information to support victims of offences, help reduce the incidence of crime, address the root cause of criminal behaviour, prevent violence against women and children and publicize information about crime prevention and how people can protect themselves from becoming victims. The fund has awarded just over $2,500,000 to 180 community projects since it was established in 1998.

Table 15.
CP&VS Trust Fund, 1998-2007 (fiscal years).

Year	Crime Prevention ($)	Victim Services ($)	Total
Fall 2007	72,387	106,176	178,563
2006/07	256,754	92,311	349,065
2005/06	313,633	107,300	420,933
2004/05	202,616	20,788	223,404
2003/04	173,500	70,500	244,000
2002/03	310,771	49,953	360,724
2001/02	165,534	76,170	241,704
2000/01	141,897	49,109	191,006
1999/00	140,718	58,849	199,567
1998/99	71,549	25,000	96,549
Total	1,849,359	656,156	2,505,515

Victim Services

Victim Services offers support services and professional assistance to victims of sexual assault and spousal assault. Victim Services contributes to healthier communities and the protection of families by ensuring that these programs and services are available to all Yukoners. There are Victim Services workers assigned to all Yukon communities and workers located in Whitehorse, Dawson City and Watson Lake.

The Department of Justice received five years of funding from Justice Canada in 2007 to establish a program that will provide counseling for youth and children who witness domestic violence.

The Our Way of Living Safely program (OWLS) has been developed to offer support to children and youth who have witnessed violence and whose parents are, or have been, involved with the Domestic Violence Treatment Option Court. This is in collaboration with the Department of Health and Social Services. It is very important that OWLS works with children and youth to help them cope with the trauma of domestic violence, and in so doing, helps reduce the risk that they will grow up to become abusers or victims themselves.

The Moving Forward Together: Focus on Victims of Crime Conference was held in March 2008. Out of this, a victims strategy is being developed that will enhance the Department of Justice's responses to the needs of victims, families and communities.

Offender Progams Unit

The Offender Programs Unit offers treatment programs such as the Spousal Abuse Program and the Sexual Offender Risk Management Program. These programs are available to people involved in the Domestic Violence Treatment Option Court and to others as required.

The unit has a special group for offenders with cognitive impairments. It also conducts assessments of risk and other factors contributing to offending. All the unit's work is focused on reducing the risk of re-offending.

Court Services

Court Services manages the administration and operations of Territorial Court, the Supreme Court, the Court of Appeal, and Federal Court. Community Wellness Court and the Domestic Violence Treatment Option Court are therapeutic courts which are part of the Territorial Court process.

Territorial Court

This court considers lesser indictable offences, summary conviction offences, preliminary inquiries for indictable offences, bail (except in murder cases) and peace bond applications, and fitness hearings for mentally disordered accused hearings.

Table 6.
Cases Heard by Territorial Court, 2002-2007.

Year	2002	2003	2004	2005	2006	2007
Cases	816	750	750	713	792	959

Supreme Court

Serious indictable offences are heard by the Supreme Court, as well as summary conviction appeals, bail applications on murder cases, bail reviews and appeals from decisions on fitness hearings for mentally disordered accused.

Court of Appeal

This court hears appeals of decisions made by the Territorial Court and the Supreme Court of Yukon in civil and criminal matters. The Court of Appeal sits in Whitehorse once a year for one week. Appeals from the Court of Appeal go to the Supreme Court of Canada.

Small Claims Court

This court hears civil cases in which the amount of money or the value of personal property being claimed is $25,000 or less. The Small Claims Court sits in the same locations as the Territorial Court and can hear cases as part of court circuits to the communities. Every judge of the Territorial Court is a judge of the Small Claims Court.

Federal Court

This court reviews decisions of all federal boards, commissions or other tribunals and hears cases where federal legislation provides for the right of appeal or review in the court. It also hears cases where relief is claimed against the Crown. It is made up of Appeal and Trial Divisions, and administers both the common law and civil law legal systems. The Federal Court hears both criminal and civil cases.

The Federal Court is based in Ottawa, Ontario, but its judges travel across Canada from time to time to hear cases.

The average time to complete an adult criminal case in either Territorial Court or Supreme Court in 2007-08 was 184 days.

The appearances of criminal files in Territorial Court have increased by 50% since 2001. This means there are more court appearances per file than six years ago. An appearance is a unique time or date that a file is in court.

Criminal charges that lead to a Supreme Court appearance have also increased substantially since 2002. However, the number of appearances in Supreme Court have not increased.

Chart 8.
Supreme Court Criminal Charges, 2002-2007.

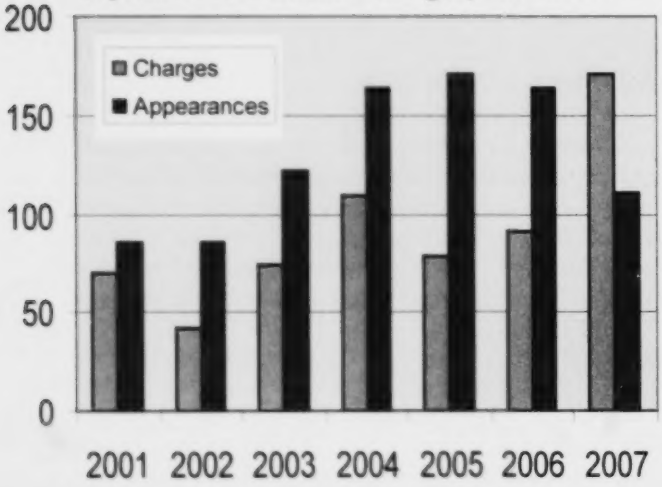


Table 7.
Files Opened by Type of Yukon Court, 2007-08.

Yukon Courts 2007-08	Files Opened
Supreme Court:	
Civil	462
Summary Conviction Appeals	10
Court of Appeal:	26
Territorial Court:	
Civil	138
Adult charges laid	3,776
Young Offender charges laid	585
Summary Conviction tickets	2,290
Territorial Applications	80
Federal Court:	0
Small Claims Court:	159
Sheriff:	
Civil Enforcement Actions	495

Fines and Surcharges

The Department of Justice is mandated to collect fines and victim surcharges, as ordered by the courts, for offences of the Canadian Criminal Code, territorial statutes and other federal statutes. In 2007-2008, $317,129 was collected on 2632 fines ordered that fiscal year. Another $47,250 was collected in court-ordered victim surcharges on 551 offences.

Table 8.
Court Ordered Fines, 2007-08 (fiscal year).

Statute	Fines	Amount Ordered ($)	Amount Paid ($)	Fines Unpaid	Amount Unpaid ($)
Criminal Code	198	131,221	87,191	82	44,030
Federal Statutes	42	26,151	16,700	17	9,450
Territorial Statutes	2392	278,378	213,238	405	65,140
Total	2632	435,749	317,129	504	118,620

Table 9.
Court Ordered Victim Surcharges, 2007-08 (fiscal year).

Statute	Victim Surcharges	Amount Ordered ($)	Amount Paid ($)	Victim Surcharges Unpaid	Amount Unpaid ($)
Criminal Code	365	30,542	16,653	183	13,889
Federal Statutes	29	1,634	1,110	9	524
Territorial Statutes	2310	37,561	29,448	359	8,074
Total	2704	69,737	47,250	551	22,487

Summary Convictions

Summary convictions are minor offences that normally result in a financial penalty - eg. a parking ticket. They are not criminal offences and therefore do not result in a criminal record. There were 2290 Summary Conviction Ordinance Tickets served in Yukon in the 2007-08 fiscal year covering 2877 offences. Most of the offences (2238) were under the Motor Vehicle Act. Another 345 offences were under the Liquor Act. Fifty-two offences were for Wildlife Act and Regulations violations. None of the offences resulted in jail time.

Jury Trials

Several times per year, Yukoners are asked to serve jury duty. In 2007-08, there were two jury trials held in Yukon. In 2006, there were also two and in 2005, nine jury trials were held.

Table 10.
Jury Duty, 2005-08 (fiscal years).

	Trials	Citizens Summoned for Jury Duty
2005-06	9	3,200
2006-07	2	700
2007-08	2	837

Community Wellness Court

The Community Wellness Court began operation on June 4, 2007, as a voluntary alternative to the mainstream criminal court process. The court is for people that enter the justice system because they are suffering from addictions, Fetal Alcohol Syndrome Disorder or mental illness. Community Wellness Court focuses on finding solutions to the root causes of criminal behaviour. A case plan is created for each client who enters the court after pleading guilty to their offences. Clients who complete their wellness journey may receive alternative sentences at the end of the process.

Community Wellness Court Participation as of September, 2008:

•12 clients
(8 men, 4 women, 7 First Nation, 5 non-First Nation)

Diagnoses include:
•5 with addiction
•4 with addiction and poor mental health
•2 with addiction and FASD
•1 with FASD

The clients are in various stages of the court process:
•4 are in the Suitability Assessment stage
•7 are in the Wellness Plan Development stage
•3 are in a Wellness Journey

Thirty-five clients have entered and left CWC and returned to mainstream criminal court. Reasons for their departure include: not suitable for the court for legal reasons, new charges, unmotivated, insufficient resources and residing outside of Whitehorse. Others changed their plea to not guilty or were not interested in following their wellness plan.

Civil Justice System

The civil justice system provides people with the opportunity to be compensated through the court system for an infringement of their rights as set out in Yukon and Canadian statutes (Acts).

People who believe they have suffered an infringement of their rights can consult with a lawyer to determine if they have a case and if they are entitled to financial or any other compensation.

If the lawyer recommends commencing an action, the choice of the appropriate court will be the first procedural question considered.

This decision is based on the nature of the case and the amount of the claim. In Yukon, civil trials are heard by all courts. In 2007, there were 823 civil files opened in the five Yukon courts.

After choosing the court, the lawyer representing the plaintiff (the person who is suing) will attend the office of the court to have a notification sent to the defendant (the person being sued).

This notification is served on the defendant in person by the Sherriff's office or their agent. This notification informs the defendant of the nature of the claim against him and explains that if he does not appear and defend the action against him, the plaintiff may obtain judgment by default against the defendant.

Each party then can give details of the claim or the defence in written pleadings.

These pleadings are served on the other party and filed with the court. They assist the plaintiff and defendant in determining the precise issues between them.

If the matter is not settled in a pre-trial conference or mediation, the parties may participate in an examination of discovery, disclosure or discovery of documents, or a medical examination. This also facilitates the sharing of information to settle the dispute out of court.

If the parties cannot agree, they proceed to trial. The trial will be heard either by a judge or a judge and jury. At the trial, each party is entitled to present evidence, usually through witnesses or documents. Each witness can be cross-examined.

The parties then present closing arguments on the facts and the law of the case. The judge renders judgment, the jury can deliver a verdict on the issues of fact at the end of the trial and the judge renders judgment accordingly.

After judgment, the losing party may choose to appeal based on questions of law. No new evidence is allowed. A court of appeal may confirm, vary or reverse the trial judgement or order a new trial.

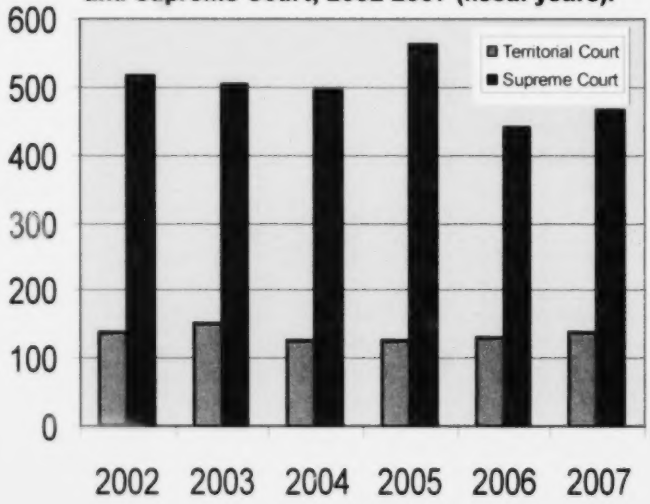
The judge may dismiss the action, maintain it in full or in part. The decision of the court is compulsory.

The Yukon Territorial and Supreme Courts hear civil court cases. These numbers have remained consistent over the last six years.

Table 11.
Civil Cases opened in Yukon Courts, 2007.

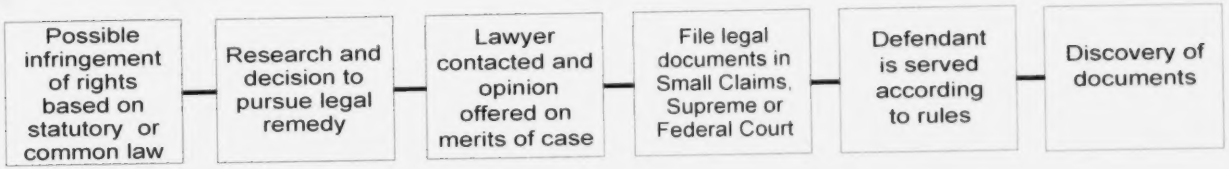
Court	# Files
Court of Appeal	24
Federal	3
Small Claims	192
Supreme	466
Territorial	138
Total	823

Chart 9.
Civil Cases in Territorial Court and Supreme Court, 2002-2007 (fiscal years).

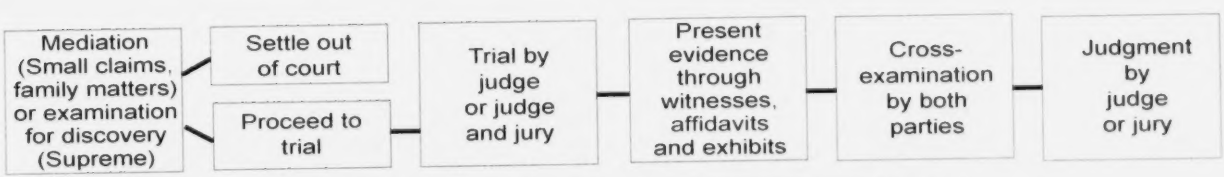


The Civil Justice Process

Pre-Trial

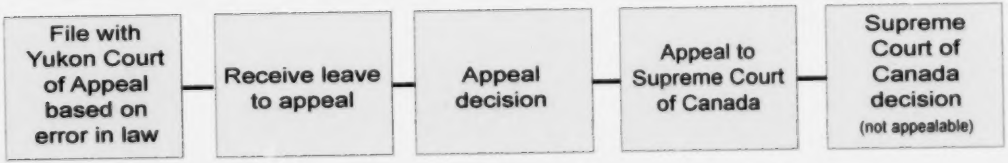

Possible infringement of rights based on statutory or common law
Research and decision to pursue legal remedy
Lawyer contacted and opinion offered on merits of case
File legal documents in Small Claims, Supreme or Federal Court
Defendant is served according to rules
Discovery of documents

Trial


Mediation (Small claims, family matters) or examination for discovery (Supreme)
Settle out of court
Proceed to trial
Trial by judge or judge and jury
Present evidence through witnesses, affidavits and exhibits
Cross-examination by both parties
Judgment by judge or jury

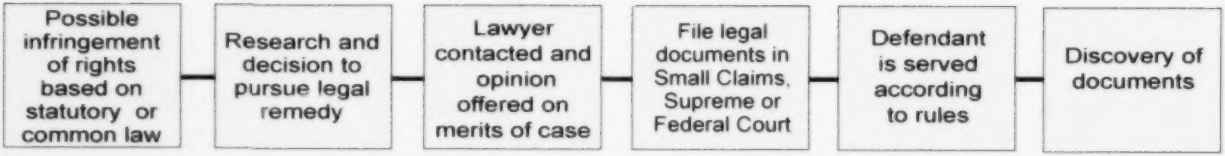
Appeal

Appeal cases are only heard by the Yukon Court of Appeal after they have been heard by the Yukon Supreme Court.


File with Yukon Court of Appeal based on error in law
Receive leave to appeal
Appeal decision
Appeal to Supreme Court of Canada
Supreme Court of Canada decision
(not appealable)

The Civil Justice Process

Pre-Trial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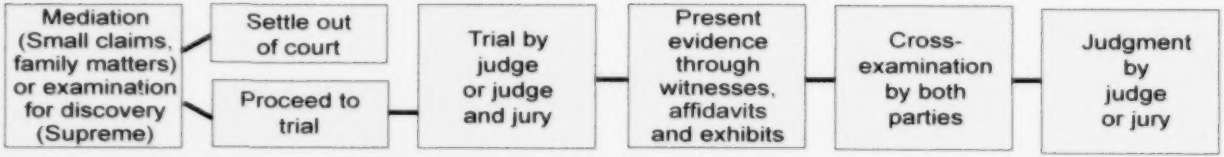
Research and decision to pursue legal remedy
Lawyer contacted and opinion offered on merits of case
File legal documents in Small Claims, Supreme or Federal Court
Defendant is served according to rules
Discovery of documents

Trial


Mediation (Small claims, family matters) or examination for discovery (Supreme)
Settle out of court
Proceed to trial
Trial by judge or judge and jury
Present evidence through witnesses, affidavits and exhibits
Cross-examination by both parties
Judgment by judge or jury

Appeal

Appeal cases are only heard by the Yukon Court of Appeal after they have been heard by the Yukon Supreme Court.

File with Yukon Court of Appeal based on error in law
Receive leave to appeal
Appeal decision
Appeal to Supreme Court of Canada
Supreme Court of Canada decision

Table 12. Total Civil Files Opened in Yukon Courts, 2006-07 (fiscal year).

Jurisdiction	Files	Jurisdiction	Files
Court of Appeal Civil Appeals	12	Employment Standards	4
Court of Appeal Criminal Trials	12	Family Property and Support Act	18
Breach of Contract	8	Adult Guardianship	5
Small Claims (other civil)	23	Human Rights Act Action	2
Damages	11	Injury (other than Motor Vehicle)	9
Unpaid Loan/Promissory Note	6	Interjurisdictional Support Orders Act	5
Motor Vehicle Accident	46	Legal Profession	5
N.S.F. Cheque	1	Unpaid Loan/Promissory Note	5
Restitution Order	1	Land Titles Act	3
Unpaid Acccunt	159	Mortgage Foreclosure	8
Federal Court Civil Files	3	Maintenance	90
Adoptions	3	Prohibitions	1
Appeals/Reviews from Boards/Tribunals	2	Probates	94
Bank Act	9	Supreme Court Residential School	2
Bankruptcy	9	Summary Conviction Appeals	5
Business Corporations Act Actions	7	Slander	3
Children's Act	57	Small Claims	1
Supreme Court Civil Actions	23	Workers Compensation Act	3
Criminal Trials	2	Wrongful Dismissal	2
Divorce	101	Territorial Family	1
Elections Act	2	Family Violence Protection Act	7
Wardship	22	Landlord and Tenant	31
Total			823

Safer Communities and Neighborhoods

In May 2006, the Yukon Legislature passed the *Safer Communities and Neighborhoods (SCAN) Act*. The legislation is designed to protect the family and create safer communities.

The SCAN office was opened on November 29, 2006. It receives and investigates complaints about unsafe and illegal activities, including drug-dealing and drug use, bootlegging, solvent abuse and prostitution.

Between November 29, 2006 and September 30, 2008, the office received 268 complaints on 211 locations. Investigation of these complaints has resulted in 36 evictions and 11 warnings under the *Act*.

Table 14.
Safer Communities and Neighborhoods Results, 2006-08.

	Nov 29, 2006-June 1, 2007	June 1, 2007 - Sept. 30, 2008	Total
Number of Complaints Received	86	182	268
Evictions (landlord assisted)	9	27	36
Voluntary Ceased Activity	7	19	26

Public Guardian and Trustee of Yukon

The Public Guardian and Trustee (PGT) of Yukon operates under Yukon law to protect the legal rights and financial interests of children, to act as guardian of last resort for adults who require financial and personal decision making and to administer the estates of deceased and missing persons when there is no one else to do so.

The Office of the PGT is responsible for the investigation of financial abuse and protection of estates under the *Adult Protection and Decision Making Act* and the *Care Consent Act* that came into effect in 2005. The office also delivers public education on its services including how to complete private guardianship applications.

Address:
Office of the Public Guardian and Trustee
Government of Yukon
3rd Floor, Andrew A. Philipsen Law Centre J-2B
P.O. Box 2703, Whitehorse, Yukon
Y1A 2C6
Phone: (867) 667-5366
Toll free (in Yukon): 1-800-661-0408, local 5366
Fax: (867) 393-6246
Internet:
Email: publicguardianandtrustee@gov.yk.ca
Website: www.publicguardianandtrustee.gov.yk.ca

Maintenance Enforcement Program

The Maintenance Enforcement Program (MEP) enforces agreements or court orders requiring support payments to a spouse or child.

In 2007, MEP had 555 cases registered, with 402 or 72.4% of the payors living in Yukon. MEP collected $2.06 million dollars in 2007; approximately 40% of the funds collected were paid voluntarily. Approximately $5.3 million remains in arrears.

MEP initiated 532 successful enforcement actions in 2007, including 24 Motor Vehicles sanctions.

As of August 29, 2008, MEP was enforcing orders for family support for 597 children between the ages of 0 and 19.

Table 13.
Maintenance Enforcement Files and Value, 2006-07.

Maintenance Enforcement Program		
	2006	**2007**
Number of Active Files	550	555
Amount Collected ($)	2.03 million	2.06 million
Amount Owing ($)	5.1 million	5.3 million

Land Titles Office

The land registration system in Yukon is based on the Torrens system of land registration. Under this system, the government guarantees the accuracy of the title and any interests registered on the title. The Yukon government has custody of all original titles, documents and survey plans and has the legal responsibility for the validity and security of all registered land title information.

All legal documents and survey plans submitted to the Land Titles Office are examined to ensure they comply with the *Land Titles Act, Condominium Act, Builders Lien Act* and other applicable legislation, case law, policies and procedures before being accepted for registration.

A person deprived of land due to the operations of the *Act* or who suffers loss or damage as a result of an error or omission of the Land Titles Office is entitled to claim for reimbursement from the Land Titles Assurance Fund.

Table 16.
Documents Registered with Land Titles Office, 2003-2008.

Documents Registered	2003-04	2004-05	2005-06	2006-07	2007-08
Certificates of Title – created, examined and issued	1444	1521	1739	1610	1768
Transfers - examined and registered	1444	1440	1739	1510	1538
Mortgages - examined and registered	1249	1313	1507	1537	1632
Other Documents- examined and registered	2081	2067	2414	2583	2465
Survey Plans - examined and registered	215	228	209	181	133
Total Documents Examined and Registered	**6433**	**6569**	**7608**	**7421**	**7536**
Parcel Files Created	495	624	437	368	339
Total Active Parcel Files	24593	25217	25654	26022	26361
Total Active Survey Plans	4913	5141	5350	5531	5664

Department of Justice
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867.667.3033 phone
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